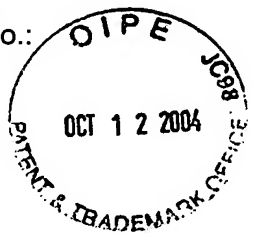


**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of: Liangchi Alan HSU

Serial No.: 10/025,609

Filed: December 26, 2001

For:  METHOD AND APPARATUS FOR SCHEDULING AND
MODULATION/CODING SELECTION FOR SUPPORTING
QUALITY OF SERVICE IN CDMA2000-1XEV-DV SYSTEM

Art Unit: 2662

Examiner: Saba Tsegaye

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 12, 2004

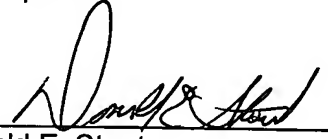
Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated January 21, 2004 of the Primary Examiner finally rejecting claims 1-10, 35, 36, 56, 57 and 58.

The item(s) checked below are appropriate:

- ☐ 1. A two-month extension of time to respond to the Final Rejection was filed concurrently with the submission of the Final Amendment. A Petition to Revive an Unintentionally Abandoned Application, a Notice of Appeal and a Second Amendment Pursuant to 37 C.F.R. §1.116 are being submitted concurrently herewith.
- ☐ 2. A timely response to the Final Rejection was filed on June 21, 2004 as provided in 841 O.G. 1411.
- ☐ 3. Fee -- \$340.00 is enclosed. A Credit Card Payment form is also attached hereto. Please charge to Deposit Account No. 01-2135 for any insufficiency in the fee. (One additional copy of this Notice is enclosed.)
- ☐ 4. An oral hearing is hereby respectfully requested.

Signature (Rule 191(b))....


Donald E. Stout
Registration No. 26,422
ANTONELLI, TERRY, STOUT & KRAUS, LLP

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